



APPLICATION for a ITINERANT MERCHANT

CITY OF ALTON, ILLINOIS

Cynthia A. Roth • Alton City Treasurer

101 E Third • Suite 102 • Alton, Illinois 62002

Telephone: (618) 463-3540

E-mail: croth@cityofaltonil.com

Fax: (618) 463-3520

Website: www.cityofaltonil.com

All indebtedness to the City of Alton must be paid in full before a license is issued.

PLEASE PRINT

NAME: _____

ADDRESS: _____ **STATE:** _____ **ZIP:** _____

TELEPHONE: _____ **CELL:** _____

NAME OF BUSINESS: _____

TYPE OF BUSINESS: _____

LOCATION WHERE THE BUSINESS WILL BE LOCATED: _____

I, _____ dba _____, acknowledge that as an Itinerant Merchant in the City of Alton, I must abide by the following conditions:

- Only conduct business within properly zoned areas
- Business can not be conducted on City Property
- Submit written permission from the property owner
- Notify this office with initial location
- Notify this office prior to any change in location
- Provide an accurate sales accounting on a weekly basis
- Submit an Illinois Business Tax number
- Submit a Surety Bond or Cash Deposit of \$1,000.00
- Submit fee of \$600.00

APPLICANT:

(Please attach a copy of Driver's License, to be used by Police Department only)

DATE OF BIRTH: _____ **PLACE OF BIRTH** _____

(City, State)

SOCIAL SECURITY #: _____ - _____ - _____

Signature

Date

Illinois Business Tax Number: _____



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Chapter 9 PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS AND ITINERANT VENDORS

4-9-1: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

ITINERANT VENDOR: Any person who transports tangible personal property for retail sale within the City who does not maintain in this City an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted; provided, however, this term shall not include any person who delivers tangible personal property within the City who is fulfilling an order for such property which was solicited or placed by mail or other means.

PEDDLING: Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from place to place along the streets of the City or from residence to residence therein, but shall not include solicitation or canvassing for orders for future delivery. "Peddling" may, in some instances, include the activities of an "itinerant vendor" or "transient merchant" as defined herein. If a peddler is also an itinerant vendor or transient merchant as defined herein, then those provisions shall also be applicable. To the extent that the provisions of this Chapter relative to peddling are inconsistent with those relating to itinerant vendors and/or transient merchants, the more restrictive provisions shall apply.

REGISTERED SOLICITOR AND REGISTERED PEDDLER: Any person who has obtained a valid certificate of registration as hereinafter provided together with a valid photo ID as issued by the City Treasurer, where such certificate is in the possession of, and on the person of, the one soliciting or peddling during all soliciting or peddling.

REGISTERED TRANSIENT MERCHANT AND REGISTERED ITINERANT VENDOR: Any person who is a transient merchant or itinerant vendor as defined in this Section and who has obtained and has in his possession a valid certificate of registration, and valid photo ID as issued by the City Treasurer.

RESIDENCE: Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING: Any one or more of the following activities:

- A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, services of any kind, character or description whatever, for any kind of



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consideration whatever, all for future delivery; or

- B. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

TRANSIENT MERCHANT: Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in this city and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind or vacant lot; provided, however, this term does not include any person selling goods, wares or merchandise which are raised, produced or manufactured by such person, to any person selling vegetables, fruit or perishable farm products at an established city market, to any person operating a store or refreshment stand at a resort, or to any person operating a stand or booth on or adjacent to property owned by such person or upon which such person resides. (1999 Code; amd. Ord. 7022, 9-26-2007)

4-9-2: SOLICITORS AND PEDDLERS:

A. Certificate Of Registration Required; Restriction:

1. **Solicitation:** A certificate of registration as hereinafter provided shall be secured by every person desiring to engage in "soliciting" or "peddling", as defined herein, from persons in residences within this city, and, in addition, by every person desiring to engage in soliciting from any business, office or manufacturing facility within this city, for gifts or contributions of money, clothing or other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.
2. **Retail Sales:** A certificate of registration as hereinafter provided shall be secured by every person desiring to engage in retail sales within this city as a "transient merchant" or "itinerant vendor", as defined herein. (1999 Code)
3. **Hours Restricted:** Soliciting, peddling or selling by a registered transient merchant or itinerant vendor is prohibited before nine o'clock (9:00) A.M. every day and after seven o'clock (7:00) P.M. or sundown, whichever shall first occur, every day. (Ord. 7183, 3-10-2010)

B. Application For Certificate:

1. **Information Requested:** Application for a certificate of registration shall be made upon a form provided by the city clerk and filed with the city treasurer. The applicant shall truthfully state in full the following information requested on the application:



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- a. Name and present residence address and length of residence at such address, applicable business address if other than residence address which must include street address, social security number, driver's license number, if any;
 - b. Residence addresses, if any, during the past three (3) years if other than present address;
 - c. Age of applicant and marital status and, if married, the name of spouse;
 - d. Physical description of the applicant, including height, weight, color of hair and color of eyes;
 - e. Name and address of the person by whom the applicant is employed or represents and the length of time of such employment or representation, residence address of corporate officers and principal;
 - f. Location at which applicant intends to do business, nature of the business, whether a certificate of registration under the retailers' occupation tax act has been issued, a list of inventory the applicant intends to offer for sale;
 - g. Name and address of all employers during the past three (3) years if other than the present employer;
 - h. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
 - i. Period of time for which the certificate is applied for;
 - j. A list of all certificates of registration to conduct business as transient merchant or itinerant vendor received or applied for within this state for preceding twelve (12) months;
 - k. The date, or approximate date, of the latest previous application for certificate in this city, if any;
 - l. Whether or not a certificate of registration issued to the applicant under this chapter has ever been revoked;
 - m. Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter or the ordinances of any other Illinois municipality regulating soliciting or peddling; and
 - n. Whether the applicant has ever been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States.
2. Oath: All statements made by the applicant upon the application or in connection therewith shall be under oath.
 3. Photographic Identification: In connection with the application for a certificate, the applicant shall submit to identification photographing.



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4. City Treasurer's Record: The city treasurer shall cause to be kept in his office an accurate record of every application received and acted upon by the mayor together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter and of the denial of applications. (1999 Code)
5. Registration Fee: The applicant for a peddler's or solicitor's certificate shall pay a fee upon application for a certificate of registration in the amount applicable to a class B business regulation certificate as set forth in chapter 1 of this title from time to time. (Ord. 7158, 10-28-2009)
6. Felony Or Ordinance Violation: Upon the filing of a complete and accurate application, as provided herein, a certificate of registration shall be issued by the mayor or the mayor's other designee within thirty (30) days of application, except that no certificate shall be issued to any person who has been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States, within five (5) years of the date of the application; nor to any ordinance of this city nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.
7. Constitutional Rights: Nothing in this chapter shall be interpreted or enforced to deprive any person of any rights guaranteed under the constitutions of the state of Illinois or the United States. (1999 Code)

4-9-3: ITINERANT VENDORS AND TRANSIENT MERCHANTS:

The applicant for an itinerant vendor's or transient merchant's certificate of registration shall pay a fee upon application for a certificate of registration in the amount applicable to a class E business regulation certificate as set forth in chapter 1 of this title from time to time. The city treasurer or his designee shall determine, based upon the application submitted, whether the applicant under this chapter is a transient merchant or itinerant vendor. It shall be prima facie evidence that a person is a transient merchant or itinerant vendor if the person does not transact business from a fixed location or if the person does not own or lease for a term of at least six (6) months the property from which business is conducted. A certificate of registration shall issue to any qualified applicant upon the posting of the appropriate bond or cash deposit as follows: (1999 Code; amd. Ord. 7158, 10-28-2009)

- A. Surety Bond: The applicant for a transient merchant's or itinerant vendor's certificate shall file with the city treasurer's office a surety bond or shall make a cash deposit. The amount of the bond or deposit shall be equal to fifty percent (50%) of the wholesale value of the merchandise that the applicant intends to offer for sale; however, the amount of the bond or deposit shall not be less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00).



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- B. **Bond Transferred To Attorney General:** The city treasurer's office shall transfer said deposit or bond to the attorney general of this state within fourteen (14) days after the applicant ceases to do business in its jurisdiction, and the attorney general shall hold such deposit or bond for two (2) years for the benefit of any person who suffers loss or damage as a result of the purchase of merchandise from said person certified under this chapter or as the result of the negligent or intentionally tortious act of the person certified under this chapter. The attorney general shall pay any portion of the bond or deposit to any person in accordance with the order of a court without making an independent finding as to the amount of the bond or deposit that is payable to that person. Any balance of said deposit held by the attorney general two (2) years after the expiration of the certificate of a person under this chapter shall be refunded to the person.
- C. **Expiration Of Certificate:** A certificate issued under this section shall expire on December 31 of the year it was issued.
- D. **Sales Without Certificate:** If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a certificate under this chapter, the police department serving the city may hold the inventory, truck or other personal property of the person until he obtains a certificate to conduct business as a transient merchant or itinerant vendor. If the property has been held by the police department serving the city for more than sixty (60) days and the person whose property is being held has not obtained a certificate under this chapter, the city may petition the circuit court for an order for the sale of the property being held. If the court finds that the person whose property is held has not obtained a certificate under this chapter, the court may order the city to sell the property, less reimbursement to the city of the reasonable expenses of storage and sale of the property, shall become the property of the city.
- E. **Additional Requirements:** It is a violation of this section for any person, either as principal or agent, to conduct business as a transient merchant or itinerant vendor in this city without first:
1. Complying with the requirements of section 2a of the retailers' occupation tax act¹;
 2. Obtaining a certificate of registration and posting such bond or other approved security as required under this section;
 3. Display current photo ID, as issued by the city treasurer's office. (1999 Code)

4-9-4: REVOCATION OF CERTIFICATE:



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- A. Disqualification: Any certificate of registration issued hereunder shall be revoked by the mayor if the holder of the certificate has committed a violation of any of the provisions of this chapter, has made a false material statement in the application or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter.

- B. Notice Of Revocation: Immediately upon such revocation written notice thereof shall be given by the city treasurer to the holder of the certificate in person or by certified U.S. mail addressed to his residence address set forth in the application.

- C. Registration Null And Void: Immediately upon the giving of such notice the certificate of registration shall become null and void. (1999 Code)

4-9-5: TRESPASSING:

- A. Notice By Owner: It shall be unlawful for any person to enter upon any property of another in this city after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden or to remain upon the property of another after receiving notice from the owner or occupant to depart.

- B. Oral, Written Or Printed Notice: A person shall be deemed to have received notice from the owner or occupant within the meaning of this section if such person has been notified, personally, either orally or in writing or if a printed or written notice forbidding such entry has been conspicuously posted at the main entrance to said property or the forbidden part thereof.

- C. Posted Notice: The owner or occupant of any residence who desires to forbid trespasses by solicitors or peddlers, or uncertified solicitors and peddlers, may attach or exhibit upon or near the main front door, and the main rear or side door (if any and if to be protected), a card or plaque stating such of the following as may be appropriate, in letters at least one-third inch ($\frac{1}{3}$ ") in height:

SOLICITORS AND PEDDLERS FORBIDDEN

or



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*SOLICITORS AND PEDDLERS FORBIDDEN
UNLESS REGISTERED WITH THE CITY*

(1999 Code)

4-9-6: FAILURE TO LEAVE AFTER NOTICE:

Peddler, solicitor deemed guilty of remaining on property after receiving notice to depart where notice given in compliance with chapter. Notice not to prevent access where peddler or solicitor has received prior invitation from owner or occupant.

- A. Any person soliciting or peddling who is forbidden entry by notice given in compliance with this chapter shall be deemed guilty of remaining on the property after receiving notice to depart if he shall ring the doorbell or knock or create any sound calculated to attract the attention of the occupant.
- B. Notices exhibited pursuant to this Chapter shall not be deemed applicable to and shall not prevent access to residential property by a solicitor or peddler who has received prior invitation, written or oral, from the owner or occupant thereof. (Ord. 92-O-19, 5-19-1992)

4-9-7: PENALTY:

- A. Violation, Penalty: Any person who shall be found guilty by a court of competent jurisdiction of violating any provision of this Chapter or of failing to comply with any requirement thereof, or of violating any permit, any approval or any directive issued under the provisions of this Chapter shall be fined as provided in Section 1-4-1 of this Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. Court Costs: Any person who shall be found guilty by a court of competent jurisdiction of violating a provision of this Chapter or of failure to comply with any requirement thereof, or of violating any permit, any approval, or any directive issued under the provisions of this Chapter shall, in addition to the fines provided, be obligated to reimburse the City for its attorney fees, court costs, court reporter costs, expert witness fees, and all other out-of-pocket costs incurred by the City in the prosecution of said violation or violations.



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- C. Injunction: The City may make application to the Circuit Court for an injunction requiring conformance with this Chapter and such other order as the Court deems necessary to secure compliance with this Chapter. (1999 Code)